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YUMA COUNTY, ARIZONA 5364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

ASSIGNMENT OF DIVISIONS AND  
CASES OF SUPERIOR COURT, YUMA  
COUNTY, ARIZONA

Administrative Order  
No. 99-22

This Administrative Order shall supersede and take the place of Administrative Orders, No. 98-1, as amended, dated January 29, 1998, and No. 99-3, dated February 26, 1999.

In an effort to reduce felony and juvenile case delay, the Yuma County Superior Court ("the Superior Court") retained the services of Maureen M. Solomon and Harvey Solomon, Court Management Associates, a consulting firm based in Colorado, to provide technical assistance relative to a case flow management study for felony and juvenile cases processed by the Superior Court. The objectives of the technical assistance were to (1) document the extent of case backlog; (2) determine the most likely causes of any backlog and delay; (3) work with the Court and other criminal justice agencies to design a comprehensive juvenile and felony caseflow management system to: (a) dispose of the existing backlog; and (b) avoid future delay and backlog; and (4) define management information needed on a continuing basis for case-progress and system-operation monitoring.

The overall goal of the caseflow study is to accomplish the disposition of 90% of the felony cases within 100 days of filing, and 99% within 180 days.

The initial phases of these efforts have now been concluded and it has been determined that best practices dictate that the assignment of criminal, civil, domestic relations, juvenile, probate, mental health and other proceedings among the different Divisions of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective August 16, 1999, and until further order of the presiding judge, the following assignments of Superior Court Judges are made for the Judges of the Yuma County Superior Court:

- (A) Tom C. Cole is assigned to Division One;
- (B) John N. Nelson is assigned to Division Two;
- (C) Thomas A. Thode is assigned to Division Three;
- (D) Philip L. Hall is assigned to Division Four; and
- (E) Kirby Kongable is assigned to Division Five.

IT IS FURTHER ORDERED that for all criminal cases filed on or after August 16, 1999, the Clerk of the Court shall, where possible, continue to utilize the Complaint Number assigned to a felony criminal case in Justice Court for the administrative purposes of Yuma County Superior Court Division assignments. All such Justice Court criminal complaint case numbers which are odd numbers shall be assigned to Division Three; and all such cases and numbers which are even numbers shall be assigned to Division Four.

All of the Yuma County Justices of Peace and the practicing attorneys in Yuma County are respectfully requested to assist in making this transition in the Superior Court criminal case numbering system as smooth as possible.

IT IS FURTHER ORDERED that if a criminal case originates in a manner other than by way of a Complaint being filed in Justice Court, such as by way of a Direct Indictment, the Clerk of the Court shall use the Superior Court case numbers assigned to the case for purposes of assigning the criminal case to the Divisions Three and Four of the Superior Court.

IT IS FURTHER ORDERED that for all civil cases filed on or after August 16, 1999, the Clerk shall assign all odd numbered civil cases to Division One; all even numbered civil cases shall be assigned to Division Two.

IT IS FURTHER ORDERED that effective October 4, 1999, all civil cases filed prior August 16, 1999, and are not set for trial to commence on a date prior to November 1, 1999, shall be reassigned in the same manner as civil cases filed on or after August 16, 1999.

IT IS FURTHER ORDERED that all cases in the Juvenile Division and all

Adoption cases of the Yuma County Superior Court are hereby, and shall continue to be, assigned to Division Five.

IT IS FURTHER ORDERED that, effective August 16, 1999, the Hon. Kirby Kongable is appointed as the Presiding Judge of the Juvenile Court of the Yuma County Superior Court and assigned to Division Five, replacing Hon. Thomas A. Thode who is assigned by this Administrative Order to Division Three.

IT IS FURTHER ORDERED that all cases of the Adult Drug Court shall continue to be assigned to Division One.

IT IS FURTHER ORDERED that effective October 4, 1999, all probate and mental health cases shall be assigned to Division Two.

IT IS FURTHER ORDERED, that for all domestic relations cases filed after July 21, 1999, *nunc pro tunc*, and beginning with domestic relations Case No. SC99D00885, the Clerk shall be assign the same to Hon. John P. Plante, Judge Pro Tem/Commissioner of the Yuma County Superior Court, including the following proceedings:

- (A) Dissolutions, child custody, support, visitation, post-decree petitions, etc.
- (B) Uniform Interstate Family Support Act (UIFSA cases);
- (C) Domestic Relations Default Dissolutions;
- (D) Title IV(D) Child Support Enforcement Actions (Division of Child Support Enforcement and Office of Attorney General).

IT IS FURTHER ORDERED that all pleadings, minute entries, notices and orders filed by any interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned. Further, hearing dates and/or trial dates in all cases reassigned effective October 4, 1999, shall remain as set unless rescheduled by the Divison to which the case is reassigned.

IT IS FURTHER ORDERED that through and including October 3, 1999, the following proceedings shall be assigned to Judge Pro Tem/Commissioner, Hon. John P. Plante:

- (A) Criminal Arraignments (the criminal arraignments shall continue to be held on Friday mornings to the extent possible);
- (B) Weekend and holiday initial appearances in criminal cases.

Effective October 4, 1999, Criminal Arraignments shall be assigned to the Division to which the criminal case has been assigned. Hon. John P. Plante shall continue to hear the weekend and holiday initial appearances in criminal cases until further order of the presiding judge.

IT IS FURTHER ORDERED that effective October 4, 1999, all criminal cases filed prior to August 16, 1999, in which there has been no determination of guilt and which are not set for a trial to commence on a date prior to November 1, 1999, shall be reassigned to Divisions Three and Four in the same manner as criminal cases filed on or after August 16, 1999. Notwithstanding the foregoing, petitions for post-conviction relief filed pursuant to Rule 32, Arizona Rules of Criminal Procedure, shall be assigned, whenever possible, to the judge who presided over the pre-conviction proceedings.

IT IS FURTHER ORDERED that Adam Gage, Court Reporter, and Dona Miller, Bailiff, shall continue to be assigned to Division One to serve at the pleasure of Judge Tom C. Cole; that Jacqueline Perkins, Court Reporter, and Tosha Daley, Bailiff, shall continue to be assigned to Division Two to serve at the pleasure of Judge John N. Nelson; that Christine Harrington, Court Reporter, and Judy Sandoval, Bailiff, shall continue to be assigned to Division Three to serve at the pleasure of Judge Thomas A. Thode; and Joyce Shipp, Court Reporter, and Maria Estrada, Bailiff, shall continue to be assigned to Division Four to serve at the pleasure of Judge Philip A. Hall.

DATED this 20<sup>th</sup> day of July, 1999.



Hon. Tom C. Cole  
Presiding Judge

Copies to:

Hon. Thomas A. Thode  
Hon. Philip L. Hall  
Hon. Kirby Kongable  
Hon. John N. Nelson  
Hon. John Paul Plante  
Hon. John N. Nelson  
Hon. Rick Donato, Justice of the Peace, Precinct 1  
Hon. Manuel Figueroa, Justice of the Peace, Precinct 2

Hon. J. Keith Milam, Justice of the Peace, Precinct 3  
Richard D. Engler  
Beverly Frame, Clerk of the Superior Court  
Martin Krizay, Acting Court Administrator  
Tim Hardy, Juvenile Court Director  
Ben Rowe, Justice Court Administrator  
Yuma County Attorney  
Yuma County Public Defender  
Yuma County Legal Defender and Contract Administrator  
Yuma County Bar  
Joyce Shipp, Court Reporter  
Christine Harrington, Court Reporter  
Jacqueline Perkins, Court Reporter  
Adam Gage, Court Reporter  
Judy Sandoval, Bailiff  
Dona Miller, Bailiff  
Maria Estrada, Bailiff  
Tosha Daley, Bailiff  
Yuma County Bar  
Court Management Associates